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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/784,361

02/23/2004

Thomas A. Gault

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8847

7590

05/19/2006

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EXAMINER

WEISKOPF, MARIE

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/784,361

Applicant(s)

GAULT ET AL.

Examiner

Marie A. Weiskopf

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-20 have been cancelled and claims 21-34 have been added and examined.

#### ***Response to Arguments***

2. Applicant's arguments, see pages 8-11, filed March 3, 2006, with respect to the rejection(s) of claim(s) 21, 29 and 34 under 102 (e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 21-25 and 29-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Uchida et al (US 6,127,947). Uchida et al discloses a vehicle communication device and vehicle information communication system comprising:
  - In regard to claim 21 and 29, a method and a computer readable medium for storing a computer program for providing technical services to a telematics unit comprising:
    - Selecting a technical service action for at least one telematics device  
(Column 22, lines 28-36)

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- Associating the selected technical service action with at least one user account and a vehicle identification for the user account (Column 22, lines 17-50)
- Assigning the associated technical service action to a position in a technical services queuing database (Column 22, lines 1-67; Column 23, lines 1-7, 56-65)
- Storing the technical services queuing database (Column 22, lines 1-67; Column 23, lines 1-7, 56-65)
- Generating a notification of a pending technical service action for a user based on the technical service action associated with the user (Column 22, lines 1-67; Column 23, lines 1-7, 56-65)
- Notifying the user based on the generated notification (Column 22, lines 1-67; Column 23, lines 1-7, 56-65)
- Receiving, at a call center configured to facilitate communications to and from a telematics device, a question for technical services from the telematics device, the request for technical services including a vehicle identification associated with the telematics unit and the user (Column 22, lines 1-67)
- Determining a technical service action based on the received request for technical services (Column 22, lines 1-67)
- Providing a technical service from the call center to the telematics device responsive to the technical service action determination

- In regard to claim 22 and 30, wherein determining a technical service action comprises:
  - Identifying a user account associated with the telematics device based on the received request (Column 22, lines 17-50)
  - Determining if one or more technical service actions associated with the user account are pending in a technical services queue (Column 22, line 51 – Column 23, line 7)
- In regard to claim 23 and 31, generating a technical services request at the telematics device (Column 22, lines 28-35)
- In regard to claim 24 and 32, generating a technical services request comprises
  - Activating a user interface (Column 22, lines 28-35)
  - Receiving a command at the user interface to initiate a technical service request (Column 22, lines 28-35)
  - Initiating a technical services communication protocol sequence based on the received command (Column 22, lines 24-27)
- In regard to claim 25 and 33, wherein initiating a technical services communication protocol sequence comprises initiating an authentication protocol (Column 22, lines 17-50)

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 26-28 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida et al (US 6,127,947) in view of Smith (US 6,128,376.) Uchida et al discloses repeatedly executing until the log-in procedure is completely, however, Uchida et al fails to disclose attempting several telephone calls in order to receive authentication. Smith discloses a change of equal access carrier notification. Smith discusses attempting to make several phone calls in order to produce authentication for the subscriber. If the phone calls fail, the subscriber is then directed to an operator for further help. Smith discusses if a validation code is required, the user is prompted for it. It would have been obvious to do the same sort of authentication using instead a home location registry to authenticate the telematics device, which is well known in the art. It would have been obvious to one having ordinary skill in the art at the time of the invention to include the authentication telephone calls to the invention presented by Uchida et al to give the user a few chances to be able to create a secure connection, and if no secure connection could be made, to send to an operator in order to provide the best service possible for the telematics device and the user.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie A. Weiskopf whose telephone number is (571) 272-6288. The examiner can normally be reached on Monday-Thursday between 7:00 AM and 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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